

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT L. MITCHELL)
)
v.) NO. 1-10-0105
) JUDGE CAMPBELL
DAMON HINGER, et al.)

ORDER

Pending before the Court is Plaintiff's Motion in Objection to Magistrate Judge's Pretrial Order (Docket No. 47). Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, the Court may reverse or modify the ruling of the Magistrate Judge only if it is clearly erroneous or contrary to law. The Court has reviewed Plaintiff's Motion, the Magistrate Judge's Order and the file. Plaintiff's Motion (Docket No. 47) is DENIED. The Court finds that the Order of the Magistrate Judge is neither clearly erroneous nor contrary to law. Therefore, the Order of the Magistrate Judge (Docket No. 42) is AFFIRMED.


Plaintiff objects to the Magistrate Judge's Order in which he stated: "The Magistrate Judge will not issue subpoenas until such time as the Magistrate Judge is notified that completed HIPAA releases have been executed and received by the Defendants." Docket No. 42. Plaintiff argues that requiring him to execute the HIPAA release forms would force Plaintiff to release private and privileged information that is irrelevant to this case. Docket No. 47.

Plaintiff has sued Defendants for violation of his constitutional right to adequate medical care while incarcerated. Docket No. 1. He requested subpoenas for his own outside medical providers, in order to obtain his own medical records. Docket No. 37. The Magistrate Judge ordered that, since Defendants would be requesting the same records, the subpoenas would not issue until the

Plaintiff returned the signed HIPAA releases to Defendants' counsel. Docket No. 32. Plaintiff has failed to sign and return the HIPAA releases.

By filing this action, Plaintiff put his medical and physical condition in issue. Defendants are entitled to copies of Plaintiff's medical records in order to defend this case. Plaintiff, by choosing to allege inadequate medical care and physical injuries resulting therefrom, has made his own medical records relevant and discoverable herein. Accordingly, Plaintiff's Objection is overruled, and the Order of the Magistrate Judge is affirmed.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE